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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,647	01/07/2002	Folker Beck	09005-US	9208

7590

03/31/2003

Deere & Company
John Deer Road
Moline, IL 61265-8098

EXAMINER

ARTHUR, GERTRUDE

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary	Application N .	Applicant(s)	
	10/039,647	BECK, FOLKER	
	Examin r	Art Unit	
	Gertrude Arthur	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2003 .
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behnke et al. (U.S. Patent No. 6,146,268) in view of Missotten et al. (U.S. Patent No. 6,1192,664).

As to claim 1, Behnke et al. disclose a monitoring device for a harvesting machine wherein harvested crop material is processed and flows through the harvesting machine and having at least one sensor that is designed for generating a signal containing information on the noises caused by harvested crop material passing through the harvesting machine (See abstract). Behnke et al. disclose that the sensor 23 as shown in Fig. 4 can be inserted directly into the flow of harvested crop by reason of its simple, slim construction (See col. 5, lines 59-61). However, Behnke et al. fail to specifically disclose that the sensor is arranged outside of the flow of harvested crop material. In an analogous art, Missotten et al disclose a harvester with crop flow rate

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sensor wherein it comprises a sensor arrangement (70) that is arranged outside of the flow of harvested crop material (See col. 4, lines 36-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Behnke et al. with that of Missotten et al. by having a sensor outside the flow of material in order to keep harvester operating at optimum efficiency.

As to claims 2-3, Behnke et al. disclose a sound reproduction signal via the sound vibrations which is obviously able to acoustically reproduce signals derived by the sensor whether it is provided with an operator's cab (See abstract).

As to claim 4, Behnke et al. disclose a filter wherein it would have been obvious to have the sound reproduction device receives a filtered signal that is derived from the signal of the sensor (See col. 6, lines 40-44).

As to claim 5, Behnke et al. disclose that the sound reproduction device receives a signal derived from the signal of the sensor that is superimposed with a comparative value of a signal (See col. 6, lines 42-54). It is considered that operational range are used for comparison.

As to claim 6, Behnke et al. disclose a system which is considered as a computer system that receives the signal of the sensor and is able to generate a value that is displayed (See col. 2, lines 59-67).

As to claims 7-9,11, Behnke et al. disclose a computer or electronic system that receives the signal of the sensor as discussed (See col. 4, lines 51-67) wherein it would have been obvious to one of ordinary skill in the art at the time of the invention to have a

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control signal since a communication network and a computer system must have some type of control signal for proper operation.

As to claim 10, Behnke et al. disclose the comparative value is specifically selected for each respective type of crop being harvested (See col. 6, lines 42-54).

As to claims 12-22, the limitations have been discussed and are taught by Behnke et al. and therefore are rejected for the same reason.

Response to Arguments

Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur whose telephone number is (703) 308-7564. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703)

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305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

GA

GA
March 24, 2003

Gertrude Arthur
GERTRUDE ARTHUR
PRIMARY EXAMINER